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**RECEIVED**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MAR 15 2010

3-15-10

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURTKEVIN MATTHEWS et al

(Name of the plaintiff or plaintiffs)

v.

Mc Donald Corp. office et al  
and employees of Mc Donald  
manager/assistant manager et al

(Name of the defendant or defendants)

CIVIL ACTION

NO. 1:10-cv-01655

Judge Robert M. Dow, Jr

Magistrate Judge Maria Valdez

**COMPLAINT OF EMPLOYMENT DISCRIMINATION**

1. This is an action for employment discrimination.

2. The plaintiff is Kevin Matthews of the county ofDu Page in the state of ILLINOIS.3. The defendant is Mc Donald Restaurants, whose street addressis 2111 MC Donald Rd Oakbrook IL 60523.(city) \_\_\_\_\_ (county) \_\_\_\_\_ (state) IL (ZIP) 60523(Defendant's telephone number) (630) - 836-9090

II The plaintiff sought employment or was employed by the defendant at (street address)

South 1298 Naperville Blvd (city) Naperville(county) Du Page (state) IL (ZIP code) 60540

5. The plaintiff [check one box]

(a) ☒ was denied employment by the defendant.(b) ☐ was hired and is still employed by the defendant.(c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) August, (day) 07, (year) 2007.until JAN 10, 2008

7.1 (Choose paragraph 7.1 or 7.2, do NOT complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box]

☐ has not ☒ has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) Jan (day) 13 (year) 2008.
- (ii) ☒ the Illinois Department of Human Rights, on or about (month) April (day) 08 (year) 2009.

(b) If charges were filed with an agency indicated above, a copy of the charge is attached. ☐ YES. ☐ NO,

**but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☒ Yes (month) Jan (day) 13 (year) 2008  
☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) Jan (day) 13 (year) 2010.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☒ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☒ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) Jan (day) 13 (year) 2010 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

- (a) ☒ Age (Age Discrimination Employment Act).
- (b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☒ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☒ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☒ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): Un health work environment!

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13. The facts supporting the plaintiff's claim of discrimination are as follows:

*Refuse to stop harassment on plaintiff. Treated different for Latin co-workers. Failed to reasonably accommodate plaintiff disabilities. Terminated the plaintiff after filing a formal complaint with the District Manager. A form of retaliation by not honoring payroll check. My payroll check bounced. medical bills reimbursement*

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.  
 (b) ☒ Direct the defendant to re-employ the plaintiff.  
 (c) ☒ Direct the defendant to promote the plaintiff.  
 (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.  
 (e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.  
 (f) ☐ Direct the defendant to (specify): *To Pay Medical Bills Payroll check bounce IRS Fee and penalty. I had and paid for insurance at Mc Donald. Mc Donald didn't pay medicals. Reimbursement to Illinois Public Aid*

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.  
 (h) ☒ Grant such other relief as the Court may find appropriate.

*Kevin Matthews*

Plaintiff's signature

*Kevin MATTHEWS*

Plaintiff's name

Plaintiff's street address

204 Bailey Rd Unit J

City Napeville

State IL

ZIP 60565

Plaintiff's telephone number

630-219-3489 Home Phone

331-330-1663 cell phone

Date: Feb 05, 2010



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Chicago District Office**

500 West Madison Street, Suite 2000

Chicago, IL 60661

EEOC National Toll Free: (800) 669-4000

EEOC National TTY: (800) 669-5820

Chicago Direct Dial: (312) 353-2713

Chicago TTY: (312) 353-2421

Administration Fax: (312) 353-4041

Enforcement/File Disclosure Fax: (312) 886-1168

Federal Sector Fax: (312) 886-5391

Legal Fax: (312) 353-8555

Mediation Fax: (312) 353-6676

May 18, 2009

Mr. Kevin Matthews

~~65561 Naper Blvd. Unit~~ *204 Bailey Rd*  
Naperville, IL 60540 *60565*

RE: Du Page County Election

Dear Mr. Matthews:

This is to acknowledge your charge of employment discrimination against the above named respondent.

You need do nothing further at this time. The assigned investigator/mediator will contact you when he/she needs further information or assistance.

A copy of your charge will be provided to the Respondent as required by our procedures. Please notify this office of any change in address and phone number.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan L. Smith".

Susan L. Smith  
Investigator

Enclosure:

Copy of Charge

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA  
☒ EEOC

440-2009-04197

**Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. Kevin Matthews**

Home Phone (Incl. Area Code)

(630) 355-0275

Date of Birth

01-13-1963

Street Address

City, State and ZIP Code

~~6581 Naperville Blvd, Unit 7, Naperville, IL 60540~~

204 Bailey Rd 60665 60565

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**DU PAGE COUNTY ELECTION**

No. Employees, Members

201 - 500

Phone No. (Include Area Code)

(630) 407-5600

Street Address

City, State and ZIP Code

**421 N. County Farm Road, Wheaton, IL 60187**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☒ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☒ AGE ☒ DISABILITY ☐ OTHER (Specify below.)
DATE(S) DISCRIMINATION TOOK PLACE  
Earliest Latest

04-07-2009

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

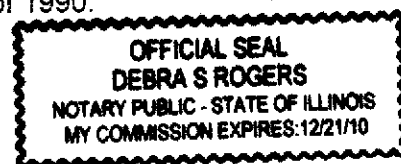
I have been employed with Respondent since 2005. My current position is Election Judge. During my employment, I have been subjected to different terms and conditions of employment, including, but not limited to, being given five- minute lunch breaks. Also, in October 2008, I applied for a position with Respondent as a clerk and was denied employment. Respondent is aware of my disability.

I believe I have been discriminated against because of my race, Black, and sex, male, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe I have been discriminated against because of my age, 46 (d.o.b. 1/13/1963), in violation of the Age Discrimination in Employment Act of 1967, as amended and because of my disability, in violation of the Americans with Disabilities Act of 1990.

RECEIVED EEOC

MAY 11 2009

CHICAGO DISTRICT OFFICE



Debra S. Rogers

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When Necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT *MR Kevin Matthews SE*

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

- May 6, 2009

*May 02, 2009* *MR Kevin Matthews SE*  
Date Charging Party Signature